

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan
corporation,

Plaintiff,

v

Case No.: 1:04cv0026
Hon. Robert Holmes Bell
Chief, U. S. District Judge

HARBIN'S INC., an Alabama
corporation, MICHAEL G. HARBIN
and HOPE D. HARBIN PATTERSON (now
HOPE DUNCAN PATTERSON),

Defendants.

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**BRIEF IN SUPPORT OF DEFENDANT MICHAEL G. HARBIN'S MOTION
TO APPEAR AT THE SETTLEMENT CONFERENCE TELEPHONICALLY**

1.0 BACKGROUND INFORMATION

Steelcase, Inc. ("Steelcase") is a large international corporation. Defendant Michael G. Harbin ("Harbin") is an individual. This lawsuit arises out of the fact that Defendant Harbin's, Inc. went out of business owing Steelcase a considerable sum of money. Harbin

was the sole shareholder of Harbin's, Inc. and his employment at Harbin's, Inc. was his sole source of income. Harbin is now trying to establish a new career in real estate sales in the State of Florida.

Requiring Harbin to appear personally in the State of Michigan for the settlement conference, now scheduled for May 27, 2005, will be a financial hardship upon him. The trial is scheduled for June 20, 2005. Harbin will have to incur the expense of appearing in Michigan for the trial which will likely last more than one day. It will be a financial hardship upon Harbin to appear in Michigan for the settlement conference as well.

Harbin has full authority to settle this case on his own behalf and is able to make settlement decisions just as easily on the telephone as in person. Harbin pledges to this Court that he will be available by telephone during the entire time of the settlement conference.

Counsel for Harbin has consulted with Steelcase's counsel regarding this matter and Steelcase does not object to Harbin appearing at the settlement conference telephonically.

2.0 RELIEF REQUESTED

Harbin requests this Court enter an order allowing him to appear at the settlement conference by telephone. Harbin suggests that co-Defendant Hope D. Patterson be permitted to attend telephonically for the same reasons.

Dated: May 19, 2005

SILVERMAN, SMITH & RICE, P.C.
Attorneys for Defendant Michael G. Harbin

/s/ Robert W. Smith
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